COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

FITCHBURG GAS AND ELECTRIC LIGHT COMPANY	))))))	D.T.E. 02-84

MOTION OF FITCHBURG GAS AND ELECTRIC LIGHT COMPANY FOR PROTECTIVE TREATMENT

NOW COMES Fitchburg Gas and Electric Light Company ("FG&E") and respectfully requests that the Department of Telecommunications and Energy ("Department") grant it protection from public disclosure over certain confidential, competitively sensitive and proprietary information submitted in this proceeding in accordance with G.L. c. 25, § 5D. In support of its Motion, FG&E states:

1.   On December 20, 2002, FG&E filed revised tariffs and schedules to implement proposed changes to its electric rate reconciliation mechanisms. The Department docketed the proceeding D.T.E. 02-84.

2.   In discovery, the Attorney General requested the following in Request No. AG-3-6:

> Refer to Mr. Collin's Testimony, p. 26. Why isn't the Standard Offer supplier responsible for complying with RPS requirements? Provide a copy of the original contract with the supplier(s) and all amendments. Highlight the provisions of the agreement(s) that require the Company to fulfill the RPS requirements.

3.   The request seeks a copy of the Standard Offer contract, dated October 7, 1998.

4.   FG&E's Standard Offer contract, also known as its Standard Transition Service Supply Contract, was approved by the Department in D.T.E. 97-115/98-120, as the first

Department approval of a standard offer service contract in the Commonwealth acquired through competitive solicitation. See Fitchburg Gas and Electric Light Co., D.T.E. 97-115/98-120 (Jan. 15, 1999).

5.   In its Order in D.T.E. 97-115/98-120, the Department granted protection over the terms of FG&E's Standard Offer contract with its wholesale standard offer service provider, Constellation Power Source. The protection was granted at the request of Constellation. The Department applied no sunset to the protection of the terms contained in the Standard Offer contract.

6.   FG&E seeks that the Department continue to protect of the terms of the Standard Offer contract, as provided in the Department's Order in D.T.E. 97-115/98-120, as part of FG&E's release of this document in this proceeding to the Department and parties that have signed a confidentiality agreement with FG&E.

7.   FG&E requests protection of this information from public disclosure pursuant to Chapter 25, Section 5D of the General Laws of Massachusetts. G.L. c. 25, § 5D is specifically designed to protect against disclosure of confidential and proprietary information. That provision, in part, provides:

> [T]he [D]epartment may protect from public disclosure, trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which such protection is sought is public information and the burden shall be upon the proponent of such protection to prove the need for such protection. Where such a need has been found to exist, the [D]epartment shall protect only so much of the information as is necessary to meet such need.

G.L. c. 25, § 5D.

8.   This confidential, commercially, sensitive and proprietary information is the type

of information that the Department may protect from public disclosure pursuant to G.L. c. 25, §

5D, consistent with its Order in D.T.E. 97-115/98-120 (Jan. 15, 1999).

WHEREFORE, Fitchburg Gas and Electric Light Company respectfully requests that

the Department of Telecommunications and Energy reaffirm its grant of Protective Treatment as

stated herein, granting continued protective treatment over confidential terms contained in

FG&E's Standard Offer contract, also known as its Standard Offer Transition Service Supply

Contract, dated October 7, 1998.

Respectfully submitted,

**FITCHBURG GAS AND ELECTRIC
LIGHT COMPANY**
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